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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/501,170	07/12/2004	Aldo Stabile	3063	5433								
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743		02/05/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">CHIMIÁK, EMILY ANN</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>1733</td><td></td></tr></table>		EXAMINER		CHIMIÁK, EMILY ANN		ART UNIT	PAPER NUMBER	1733	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE									
3 MONTHS		02/05/2007	PAPER									

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/501,170

**Applicant(s)**

STABILE, ALDO

**Examiner**

Emily Chimiak

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/12/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Claim 11 is objected to because of the following informalities: Line 2 of claim 11 includes the term “pr-preg” when it is believed that “pre-preg” is intended. Appropriate correction is required.
2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
3. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traut (US 3236714) and in further view of Roberts and Taylor (US 5725711).

Traut discloses a press of heated plates that can be opened and closed (*a fixed lower plate and an upper mobile plate*). A carrier sheet is wound from a supply roll on one side of the press to a windup roll located at the other side of the press, feeding the material through the apparatus (Figure 3 col. 4 lines 74-75 and col. 5 lines 1-2). This setup requires less cleaning than heated presses operating without carrier sheets (col. 2 lines 17-18).

Traut does not teach a heated metal band placed to carry and draw inside the press components of the plastic laminates or a fixed lower plate.

However, Roberts discloses a press where metal bands aid in conveying the heat sealable material through the machine, the lower plate is maintained in position by pressure means 47 (fixed lower plate) and an upper plate is connected to fluid cylinders mounted on upper brackets 49 that raise and lower the insulating plate 52, and heating the substrate is accomplished by running an electrical current through resistive metal bands trained around the pulleys, i.e. *the fraction of said metal band comprised between the two electrodes (the pulleys) acts as an electric resistance generating the heat* (col. 3, lines 2-6, lines 11-14, lines 28-43 and line 68 and col. 4 lines 1-5, lines 29-47). Taylor teaches a press apparatus in which the upper platen assembly may be moved toward and from the lower platen assembly and the lower platen assembly is fixed (col. 4 lines 49-52).

It would have been obvious at the time of invention to replace the heating method of Traut's double-platen press with a current directly applied to the carrier sheet as taught by Roberts in order to increase energy efficiency by placing the laminate in direct contact with the heating source and to keep the lower plate fixed in order to mount it to the frame base.

As to claim 11, the substrate 36a and additional reinforcement 44a is fed in through reels, i.e. the bands of pre-preg and strips of copper are fed in from reels. Carriers and product are wound onto windup rolls 86, 88 and 90 and the windup rolls are clutch or slip belt driven, i.e. onward movement of said reels is aided by electric motor-

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driven means (col. 4 lines 55-73 and 65-75). It is noted that pre-preg can be the substrate and copper can be the reinforcement.

As to claim 12, Traut discloses web assembly 68 sliding on supporting surface 72 located upstream the press, i.e. the components of the plastic laminates comprise a lower group of components, wherein said lower group of components is positioned to slide on a surface of a horizontal structure situated upstream of the press substantially at a level of the metal band (col. 4 lines 29-73).

As to claim 13, Traut discloses that additional unsaturated reinforcement 44a, comprised of layers from supply rolls 46a and 48a are laid on top of the saturated web assembly 68 before entering the press, i.e. one or more rows of a number of multi-layer laminates are placed on a portion of the lower group present on the surface of the horizontal structure (col. 4 lines 55-73).

As to claim 14, Traut teaches that the press may be timer controlled to remain closed for a predetermined period of time (a control processor is provided for coordinating opening and closing of the press) and the amount of web intermittently fed into the press during each cycle is determined by the length of the press cycle and speed of the metering roll 40, i.e. control processor is provided for translation inside the press of the metal band, and for regulating the motor-driven means (col. 4 lines 74-75 and col. 5 lines 1-11).

As to claim 15, Traut discloses that reinforcement comprised of one or more webs withdrawn from supply rolls 46 (new set of multi-layers) and 46 (lower group of components) on horizontal supporting surface 72 while upstream, the web is intermittently advanced through the press, i.e. on completion of the cycle, the metal band extracts the laminates and produced multi-layer laminates from the exit of the press and simultaneously introduces at the entrance to the press a new portion of components and multi-layer components placed on the lower group (col. 3 lines 24-36, col. 4 lines 55-73 and col. 5 lines 1-15)

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Traut, Taylor and Roberts as applied to claim 9 above, and further in view of Scherer (US 3094453).

Roberts discloses a metal band (carrier sheet) made of stainless steel (col. 3 lines 26-30). It is noted that Roberts allows for numerous changes in the details of construction (col. 8 lines 20-25).

Roberts does not disclose an aluminum metal band.

However, Scherer discloses that aluminum may substitute steel as a heatable metal band capable of withstanding temperature and tension used in a laminating apparatus (col. 1 lines 55-65 and col. 2 line 29).

It would have been obvious to one of ordinary skill in the art at the time of invention to use aluminum as the metal carrier sheet of Traut as modified by Roberts because, as taught by Scherer, aluminum is a functionally equivalent alternative to steel.

***Terminal Disclaimer***

6. The terminal disclaimer filed on January 12, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 10501170 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Chimiak whose telephone number is (571)272-6486. The examiner can normally be reached on Monday-Friday 8:30-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-6486. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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